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KimJaeHee.rem

FILED
DISTRICT COURT OF GUAM

JAN 30 2008 *dh*

JEANNE G. QUINATA
Clerk of Court

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,)	CRIMINAL CASE NO. 05-00005
)	
Plaintiff,)	
)	
vs.)	PETITION TO REMIT SPECIAL
)	ASSESSMENT FEE
JAE HEE KIM aka YONG KIM,)	[18 U.S.C. § 3573]
)	
Defendant.)	

COMES NOW the United States of America, by and through its undersigned counsel, and respectfully petitions this Court pursuant to 18 U.S.C. § 3573 for the entry of an order remitting the unpaid special assessment fee earlier imposed upon Defendant JAE HEE KIM aka YONG KIM and in support hereof, states as follows:

1. On August 29, 2005, sentence was imposed by this Court against Defendant JAE HEE KIM aka YONG KIM. Among other things, a \$100.00 special assessment fee was ordered. The total amount now owed by said Defendant towards the special assessment fee is \$100.00.

2. Upon information received from the Bureau of Prisons, defendant JAE HEE KIM aka YONG KIM's, status is "INS Detainee removed."

3 No valid address is available for defendant.

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1 4. Section 3573 of Title 18, United States Code, as amended, provides in pertinent
2 part as follows:

3 Upon petition by the Government showing that reasonable efforts to
4 collect a fine or assessment are not likely to be effective, the court may, in the
5 interest of justice --

6 (1) remit all or part of the unpaid portion of the fine or special assessment,
7 including interest and penalties

8 5. The United States Attorney has determined that in light of Defendant's unknown
9 whereabouts, there is no reasonable likelihood that expending further efforts to collect the special
10 assessment fee will produce any revenue to the United States. To the contrary, any further efforts
11 will needlessly expend resources that could be better directed to areas with greater potential for
12 recovery.

13 6. The interests of justice mitigate in favor of remission of the unpaid special
14 assessment fee.

15 WHEREFORE, the United States of America respectfully requests that this Court enter
16 an order remitting the unpaid special assessment fee imposed upon Defendant JAE HEE KIM
17 aka YONG KIM.

18 DATED this 29th day of January, 2008.

19 LEONARDO M. RAPADAS
20 United States Attorney
21 Districts of Guam and NMI

22 By: 

23 MIKEL W. SCHWAB
24 Assistant U.S. Attorney
25 JESSICA F. CRUZ
26 Assistant U.S. Attorney
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